



PATENT

ATTORNEY DOCKET NO. 04265398

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Marcus Braun

Serial No.: 10/815,395

Filing Date: April 1, 2004

For: SURGICAL INSTRUMENT

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P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 3731

Examiner: UNKNOWN

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By: Timothy Hubalik

Signature of Person Mailing Papers

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the references listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed together with a Response to Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b).

Copies of the listed documents are attached. Also, two English language abstracts for the non-English documents are enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed references are material or constitute "prior

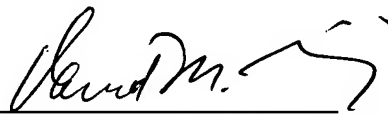
art.” If it should be determined that the listed references do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such references.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this statement, please charge the fee to our Deposit Account No. 13-0019.

Respectfully submitted,

Date: August 18, 2004

By 
David M. Thimmig
Reg. No. 36,034

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Form PTO-1449

Docket Number (Optional)

04265398

Application Number

10/815,395

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

Applicant

Marcus Braun

Filing Date

April 1, 2004

Group Art Unit

3731

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|------|------|-------|----------|----------------------------------|
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation YES | NO |
|--|------------------|----------|---------|-------|----------|--------------------|----|
| | DE 43 04 353 A1 | 28.4.94 | Germany | A61B | 17/04 | Abstract | |
| | DE 100 36 108 A1 | 15.11.01 | Germany | A61B | 17/00 | Abstract | |
| | | | | | | | |

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|----------|--|
| | Scientific Article written by A. Melzer, M. Schurr, P. Dautzenberg, R. Trapp and G. Bueß, entitled: "Increasing the Degrees of Freedom of Instruments in Minimally Invasive Surgery," 1992. See Summary in English on sixth page |
| | |
| EXAMINER | DATE CONSIDERED |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.